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CAPITAL ONE BANK (USA), N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CAPITAL ONE BANK (USA), N.A.,

Plaintiff,

v.

EDMUND G. BROWN, JR., in his capacity as
Attorney General of the State of California,

Defendant.

Case No. C08-02289-SC

**STIPULATION TO EXTEND
TIME TO RESPOND TO
COMPLAINT**

Hon. Samuel Conti

Complaint Filed: May 2, 2008
Trial Date: TBA

Pursuant to Civil Local Rule 6-1(a), it is hereby stipulated by and between Plaintiff Capital One Bank (USA), N.A. and Defendant Edmund G. Brown Jr., in his capacity as Attorney General of the State of California, through their respective attorneys, that the time by which Defendant may plead or otherwise respond to the operative complaint shall be extended to and include December 1, 2008. There have been no previous modifications of any deadlines in this case and the stipulated extension does not affect the date of any event or any deadline already fixed by Court order.

Dated: September 17, 2008

MORRISON & FOERSTER LLP

By: /s/ James F. McCabe
James F. McCabe

Attorneys for Plaintiff
CAPITAL ONE BANK (USA), N.A.

Dated: September 17, 2008

STATE OF CALIFORNIA DEPARTMENT
OF JUSTICE, OFFICE OF THE ATTORNEY
GENERAL



By: /s/ Kathrin Sears
Kathrin Sears
Deputy Attorney General

Attorneys for Defendant
EDMUND G. BROWN JR., in his
capacity as Attorney General of the
State of California

E-FILING ATTESTATION

I, James F. McCabe, am the ECF user whose ID and password are being used to file this stipulation. I hereby attest that Kathrin Sears has concurred in this filing.

Dated: September 17, 2008

By: /s/ James F. McCabe
James F. McCabe